

# ADVOCATES FOR JUSTICE

*A Public Interest Organization*



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Arthur Z. Schwartz, Esq.  
Lead Attorney  
President, Board of Directors

June 3, 2024

By ECF

Hon. Gary Stein  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, NY 10007

# MEMO ENDORSED

Re: Chinese American Citizens Alliance Greater  
New York v. NYC Department of Education  
20 Civ. 8964 (LAK) (GS)  
Request to Allow Deposition of Non-Party

Dear Judge Stein:

The deadline for taking depositions was May 31, 2024. Although counsel for Defendants had agreed to schedule only Plaintiff Linda Lam for deposition, when counsel asked on May 29 whether I could line up the other 4 Plaintiffs for Friday May 31, 2024 I accommodated her.

This case is about a refusal to allow Chinese-American parents attend a Town Hall meeting at which the Schools Chancellor was speaking, if they carried signs inside. We learned from Mariono, the Assistant Principal for Security at the school involved, that the order directing this was given by Craig Edwards, the Brooklyn Boro Safety Coordinator, an individual who we sought to add as a defendant, but who you would not allow us to add. We asked for a return courtesy from Assistant Corp Counsel, and they would not agree. This deposition adds a key link to the puzzle about why the Education Department acted so out of the norm at the meeting involved. I should note that Corp Counsel would not accept service for the one new defendant who the Court allowed. Police Officer Dym, and we had to have him served at his workplace. He has not appeared. It seems inappropriate to close out this phase of discovery even though there is a defendant who hasn't appeared.

We request, for now that Defendant NYC Board of Education be directed to produce Craig Edwards for a deposition before June 30, 2024. (I would make it earlier, but I am out with COVID).

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Respectfully submitted,

/s/ *Arthur Z. Schwartz*

Arthur Z. Schwartz

cc: Defendants' Counsel (by ECF)

Having considered counsel's representations with respect to Plaintiffs' request for an extension of the May 31, 2024 deadline to take depositions (Dkt. Nos. 96 & 97), the Court GRANTS Plaintiffs' letter motion with certain caveats.

While the Court is sympathetic to Defendants' arguments regarding Plaintiffs' counsel's delay in scheduling depositions, the undersigned is nonetheless persuaded by Defense counsel's representation that he was unable to identify the critical importance of deposing Edwards until Assistant Principal Morono provided certain answers at his deposition, which occurred shortly before the May 31, 2024 discovery deadline. (*See* Dkt. No. 87). In light of the foregoing circumstances, the only additional witness that any party may depose is Craig Edwards, and his deposition must take place by Thursday, June 27, 2024.

SO ORDERED.

Dated: June 5, 2024  
New York, New York

  
**Gary Stein**  
**United States Magistrate Judge**  
**Southern District of New York**